IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 4118 OF 2007

Shri Deomani Ramshevak Mishra ..Petitioner

Vs.

1. Ishmal Khan and Sons ..Respondents

Mr. Rekha K. Mehta and Mr. L.M. Chhoda for the petitioner.

Mr. A.S. Mulay i/by M/s. Divya Shah and Ass. for respondent no.2.

CORAM: B.H. MARLAPALLE, J.

Date : June 28, 2007.

P.C.:

1. The impugned order can be challenged before the Division Bench of the Small Causes Court and, therefore, this petition under Article 227 of the Constitution need not be entertained at this stage. Therefore, the learned counsel for the petitioner rightly sought leave to withdraw the same.

2. Leave granted and the petition is disposed as withdrawn, however, without prejudice to the rights

and contentions of the petitioner.

3. Needless to mention, as and when the petitioner approaches the Division Bench of the Small Causes Court, the Bench may consider the advanced age and ill health of the petitioner so as to decide the proceeding as expeditiously as possible and without being influenced by any observations made in the impugned order.

(B.H. Marlapalle,J.)